

REMARKS

Election/Restriction

The Examiner has required restriction between the following groups:

Group I: claims 1-25 and 53, drawn to a device.

Group II: claims 26-51 and 54, drawn to a method for the detection of an analyte in a liquid sample.

Group III: claim 52, drawn to a method for separating a component in a sample.

Applicants hereby provisionally elect Group I, claims 1-25 and 53, for continued examination, with traverse. Applicants respectfully assert that a search of all groups would not present an undue burden on the Office. Reconsideration is respectfully requested.

Species Election

The Examiner has required the election of species, between the following species, in the event Group I is elected:

- A. One type of separator element having specific affinity for said component to be separated:
 - 1. Second projections (claim 12); or
 - 2. Beads (claims 13-16); and
- B. One type of means for subjecting the sample to ultrasonic standing waves:
 - 1. At least two ultrasonic energy sources (claim 20); or
 - 2. At least one ultrasonic energy source and a reflector (claim 21); and
- C. One type of substrate:

1. Plastic (claims 23 and 53); or
2. Silicon or glass (claim 24).

Applicants hereby provisional elect the following species:

- A1: Second projections (claim 12);
- B1: At least two ultrasonic energy sources (claim 20); and
- C1: Plastic (claims 23 and 53).


Claims 1-54 remain pending in the present application. Applicants expressly reserve the right under 35 U.S.C. § 121 to file a divisional application directed to the nonelected subject matter.

CONCLUSION

In the unlikely event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No.: 03-1952** referencing **514862002700**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: March 2, 2009

Respectfully submitted,

By: 
Brian B. Ho
Registration No.: 60,199

MORRISON & FOERSTER LLP
425 Market Street
San Francisco, California 94105-2482
Telephone: 415.268.7624
Fax: 415.268.7522